

1 COOLEY LLP
2 BEATRIZ MEJIA (190948) (mejab@cooley.com)
3 KYLE C. WONG (224021) (kwong@cooley.com)
4 LAUREN J. POMEROY (291604) (lpomeroy@cooley.com)
5 101 California St., 5th Floor
6 San Francisco, CA 94111
7 Telephone: (415) 693-2000
8 Facsimile: (415) 693-2222

9 MICHELLE C. DOOLIN (179445) (mdoolin@cooley.com)
10 JAYME B. STATEN (317034) (jstaten@cooley.com)
11 4401 Eastgate Mall
12 San Diego, CA 92121
13 Telephone: (858) 550-6000
14 Facsimile: (858) 550-6420

15 Attorneys for Defendant
16 APPLE INC.

17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANDREA M. WILLIAMS AND JAMES
STEWART, On Behalf of Themselves And
All Others Similarly Situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 5:19-cv-04700-LHK

**DECLARATION OF AHMED BASHIR IN
SUPPORT OF DEFENDANT APPLE INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL APPLE INC.'S
ADMINISTRATIVE MOTION FOR LEAVE
TO FILE A SUR-REPLY TO PLAINTIFFS'
REPLY IN SUPPORT OF THEIR MOTION
FOR CLASS CERTIFICATION AND
RELATED DOCUMENTS**

Judge: The Hon. Lucy H. Koh
Crtrm: 8, 4th Floor
Date: March 4, 2021
Time: 1:30 p.m.

1 I, Ahmed Bashir, declare:

2 1. I am currently employed as Director of Engineering, iCloud at Apple, Inc. (“Apple”),
 3 where I oversee iCloud operations with a broad focus on distributed storage, data analytics, and high-
 4 scale platform engineering. In this capacity, I have direct knowledge, among other things, regarding
 5 Apple’s iCloud data storage practices, business plans and projects, and trade secrets sufficient to
 6 identify what information could cause competitive harm to Apple should it be disclosed publicly. I
 7 submit this declaration in support of Apple’s Administrative Motion to File Under Seal Apple’s
 8 Administrative Motion for Leave to File a Sur-Reply to Plaintiffs’ Reply in Support of Their Motion
 9 for Class Certification and Related Documents (“Apple’s Motion to Seal”).

10 2. Apple’s success is due in large part to its ability to monetize its products, including
 11 iCloud. iCloud data storage practices, business plans and projects, and trade secrets are key
 12 components of that strategy. Apple faces significant competition from other companies in the cloud
 13 storage space. Accordingly, Apple strives to keep information relating to iCloud highly confidential,
 14 including the service’s data storage practices, business plans and projects, and trade secrets.

15 3. Apple’s Administrative Motion for Leave to File a Sur-Reply to Plaintiffs’ Reply in
 16 Support of Their Motion for Class Certification (“Apple’s Motion for Leave to File Sur-Reply”) and
 17 Exhibits A (“Apple’s Sur-Reply”), B, and C to the Declaration of Lauren Pomeroy in Support of
 18 Apple’s Motion for Leave to File Sur-Reply (“Pomeroy Declaration”), which Apple seeks to seal in
 19 whole or in part, contain highly valuable and sensitive business information related to, among other
 20 things, Apple’s iCloud data storage practices and business plans and projects. Competitors could use
 21 this information to gain insight into Apple’s strategic decision-making and practices, and thus
 22 determine whether, among other things, to implement similar tactics without investing the necessary
 23 time and resources to independently develop their own plans and projects. Accordingly, public
 24 disclosure of the identified information concerning Apple’s iCloud data storage practices and business
 25 plans and projects would cause Apple significant competitive injury, as competitors could use this
 26 information to gain an unfair advantage over Apple.

27 4. Apple’s Motion for Leave to File Sur-Reply, Apple’s Sur-Reply, and Exhibits B and C
 28 to the Pomeroy Declaration, which Apple seeks to seal in whole or in part, also contain highly valuable

1 and sensitive business information related to, among other things, Apple's iCloud technology and
 2 trade secrets. Competitors could use this information to further develop and improve their own cloud
 3 services at Apple's expense. Competitors could also gain invaluable insight into how Apple's iCloud
 4 technology works and what competitive plans Apple may have for its iCloud service. Accordingly,
 5 public disclosure of the identified information concerning Apple's iCloud technology and trade secrets
 6 would cause Apple significant competitive injury, as competitors could use this information to gain
 7 an unfair advantage over Apple.

8 5. Apple therefore requests that the following information be sealed:

9 **Apple's Motion for Leave to File Sur-Reply**

10 6. Apple's Motion for Leave to File Sur-Reply contains highly sensitive, confidential
 11 commercial information related to Apple's iCloud data storage practices; business plans and projects;
 12 and technology and trade secrets, among other things. Apple and its affiliates go to great lengths to
 13 secure this information, and the public disclosure of this information could cause competitive harm to
 14 Apple for the reasons described above in Paragraphs 3 and 4. To summarize, public disclosure of this
 15 information would provide competitors with insight that they could use to unfairly compete with Apple
 16 by, for example, adopting Apple's strategic decision-making and practices or developing and
 17 improving their own cloud services at Apple's expense. Information in this document has been
 18 designated "Confidential – Attorneys' Eyes Only" by Apple pursuant to the Protective Order.
 19 Accordingly, Apple requests that the Court seal the following narrow and tailored redactions to protect
 20 Apple's non-public, confidential, proprietary business information, the public disclosure of which
 21 could cause significant harm to Apple: 2:10-13; 2:15-18; 2:25-3:1.

22 **Apple's Sur-Reply**

23 7. Apple's Sur-Reply contains highly sensitive, confidential commercial information
 24 related to Apple's iCloud data storage practices; business plans and projects; and technology and trade
 25 secrets, among other things. Apple and its affiliates go to great lengths to secure this information, and
 26 the public disclosure of this information could cause competitive harm to Apple for the reasons
 27 described above in Paragraphs 3 and 4. To summarize, public disclosure of this information would
 28 provide competitors with insight that they could use to unfairly compete with Apple by, for example,

1 adopting Apple's strategic decision-making and practices or developing and improving their own
 2 cloud services at Apple's expense. Information in this document has been designated "Confidential –
 3 Attorneys' Eyes Only" by Apple pursuant to the Protective Order. Accordingly, Apple requests that
 4 the Court seal the following narrow and tailored redactions to protect Apple's non-public, confidential,
 5 proprietary business information, the public disclosure of which could cause significant harm to
 6 Apple: 1:24-25; 2:2-11; 2:17-21; 3:2-3; 3:5-12; 3:14-18; 4:1-3; 4:5-9; 4:11-14; 4:17-18; 4:21; and
 7 footnotes 2 and 4.

8 **Exhibit B to the Pomeroy Declaration**

9 8. Exhibit B to the Pomeroy Declaration contains highly sensitive, confidential
 10 commercial information related to Apple's iCloud data storage practices; business plans and projects;
 11 and technology and trade secrets, among other things. Apple and its affiliates go to great lengths to
 12 secure this information, and the public disclosure of this information could cause competitive harm to
 13 Apple for the reasons described above in Paragraphs 3 and 4. To summarize, public disclosure of this
 14 information would provide competitors with insight that they could use to unfairly compete with Apple
 15 by, for example, adopting Apple's strategic decision-making and practices or developing and
 16 improving their own cloud services at Apple's expense. Information in this document has been
 17 designated "Confidential – Attorneys' Eyes Only" by Apple pursuant to the Protective Order.
 18 Accordingly, Apple requests that the Court seal Exhibit B to the Pomeroy Declaration in its entirety
 19 to protect Apple's non-public, confidential, proprietary business information, the public disclosure of
 20 which could cause significant harm to Apple.

21 **Exhibit C to the Pomeroy Declaration**

22 9. Exhibit C to the Pomeroy Declaration contains highly sensitive, confidential
 23 commercial information related to Apple's iCloud data storage practices; business plans and projects;
 24 and technology and trade secrets, among other things. Apple and its affiliates go to great lengths to
 25 secure this information, and the public disclosure of this information could cause competitive harm to
 26 Apple for the reasons described above in Paragraphs 3 and 4. To summarize, public disclosure of this
 27 information would provide competitors with insight that they could use to unfairly compete with Apple
 28 by, for example, adopting Apple's strategic decision-making and practices or developing and

1 improving their own cloud services at Apple's expense. Information in this document has been
2 designated "Confidential – Attorneys' Eyes Only" by Apple pursuant to the Protective Order.
3 Accordingly, Apple requests that the Court seal Exhibit C to the Pomeroy Declaration in its entirety
4 to protect Apple's non-public, confidential, proprietary business information, the public disclosure of
5 which could cause significant harm to Apple.

6 //

7 //

8 //

9 //

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 I declare under penalty of perjury that the foregoing is true and correct.
2
3 Executed on February 22, 2021 in San Jose, California.



4 Ahmed Bashir
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28